

# **Press Release**

**December 14, 2007**

## **Lake County Recorder Asks Ohio Legislators to Consider Legislation That Would Enable Counties to Recover Costs in Fulfilling Bulk Data Requests**

**Counties Are Losing Out, While National Data House Profit At Taxpayer Expense**

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It is not all that uncommon for a taxpayer to request documents from a County Recorder or any County public official for that matter. But how does one comply when someone asks for a copy of all of your records which can entail millions of pages or images? Who has to pay for such costs in fulfilling such a public records request?

Lake County Recorder Frank Suponcic has faced those issues in his seven years in office, been advised various legal opinions, and ultimately complied, but the exercise has left a terrible taste in his mouth.

“We have had two national data houses ask us for all of our digital records (which date back to 1995). Those are millions of images,” Suponcic explained. “One company even went so far as to request a copy of our online index.”

It takes hundreds of thousands of dollars to create such a database, maintain such a database, let alone ¾ of a million dollars in software and hardware costs, and now as a result of House Bill 9, we are being ordered to “give away” our taxpayer information while at the same time incurring real time costs – costs that are unrecoverable according to the Ohio revised Code – in attempting to fulfill these public records requests.

Such bulk sales of public data are a major problem in Ohio and such requests are costing Ohio counties thousands of dollars in lost manpower a year.

It is readily apparent that the most recent request made of Suponcic’s office will be made on a monthly basis as Property Insight (the requester) is already receiving the monthly Lake County Recorder’s document images on a compact disk (CD). It is “plain as day” to Suponcic that companies like Property Insight are attempting to create a mirror image or duplicate electronic version of his offices entire recording system (all paid for with Lake County tax payer dollars).

National data houses such as Property Insight use well intended – yet overly generous - public record legislation, to secure their inventory of records for pennies, and then turn around and sell either the image or research time to anyone wishing to pay their standard fees. According to Suponcic, these businesses are a taking advantage of Ohio taxpayers and county budgets such as Lake.

“While my document images are not available online to the public, through companies such as Property Insight, they can be made available to online customers which defeats my attempt at protecting Lake County taxpayers records from being readily accessed and thus easily available for any unlawful purpose.”

Suponcic's office is not capable of meeting the public records requests. Without a full time IT specialist he relies on the Lake County IT Department for assistance. He is well aware that the Lake County IT Department has spent countless hours addressing public data request demands placed on his office. Not only does Suponcic's office lose productive employee time but so now does the County IT Department. According to current Ohio law, these costs are not recoverable. "Lake County taxpayers foot the bill loses while these bulk data requesters turn around and profit at our expense," added Suponcic.

Hidden costs in bulk data requests can include special software required (to redact social security numbers), labor and their accompanying fully loaded related benefits as well as any other costs incurred to provide the data requested. Regardless of all of these costs, the Ohio Revised Code currently states that the counties ability to charge for bulk data requests is limited to the cost of the device on which the data is provided to them. "In these recent cases, we charge them a mere \$1 per CD plus postage, yet the costs incurred in preparing such data for a request can be in the thousands. That is just not fair to counties. That is not fair to the taxpayer," Suponcic argued.

The topic of bulk data sales is a very sensitive issue with a very animated Suponcic. In November at an Ohio Records Annual conference in Columbus, during a speaker's presentation, Suponcic vocally challenged a California attorney who has made a practice out of representing national data houses in forcing county office holders to comply with generous written public records laws.

"Most recorders were chuckling at fabrication after fabrication that were being uttered by the speaker. I couldn't take listening to the lies anymore about how great and wonderful these organizations were and how they are a benefit to Ohio County Records and taxpayers, etc and I had to speak up."

Former Ohio Recorder President and current Ross County Recorder Kathy Dunn was the first to question the speaker. She was joined in the heated questioning by Hamilton County Recorder Rebecca Groppe. Suponcic concluded the verbal barrage with a 15 minute passionate argument on behalf of all recorders. His remarks were greeted with a loud round of applause from the 65 fellow county recorders present. “This speaker was quite proud of how state legislatures have written favorable laws enabling national data houses to become such profitable businesses at the expense of taxpayers and that is just wrong.”

As a result, Suponcic is now taking his fight to Columbus legislators, the Ohio Recorders Association and the Ohio County Commissioners Association in an effort to see legislation drafted, introduced, (and passed) that would enable Ohio counties to recover all costs associated with fulfilling bulk data requests. Lake County legislators State Representative Carol Ann Schindel, State Representative Lorraine Fende, and State Senator Tim Grendell all recently received a copy of a letter outlining the need for the State to close this loophole. He has spoken to a receptive State Representative Fende who understood Suponcic’s cry for help and offered her assistance to help where she could. On Thursday, Suponcic hand delivered letters to all three Lake County Commissioners one of which is Dan Troy the new President of the Ohio County Commissioners Association.

A similar request to define a “copy” to address bulk data requests was unsuccessful two years ago despite passing unanimously in the Ohio Senate through Senator Tim Grendell’s effort. The strength of the national data houses lobbying efforts to some Ohio Legislators resulted in the bill being “killed” in the Ohio House.

“Evidently, some in Columbus disagree with me, and contrary to ethical public policy and good government, feel that county offices (funded with County dollars), such as the one I hold as County Recorder, should serve as tax payer funded back room office for these national data houses,” Suponcic added. “I am hoping that sound logic will prevail in Columbus this time.”

Suponcic has also requested that the topic be placed onto the next Lake County Data Board agenda for Board discussion.

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